

REMARKS

The Office Action dated May 26, 2006, has been carefully reviewed and the following remarks are submitted in consequence thereof.

Claims 1-20 are pending in this application and are subject to restriction and/or election requirement.

In response to the election requirement as set forth in the Office Action, Applicants elect, with traverse, for prosecution in this application all claims of species A as identified in the Office Action. Claims 1-7, drawn to a method for replacing a portion of a gas turbine engine rotor blade, are in the elected species. In response to the election of a single sub-species as set forth in the Office Action, Applicants elect, with traverse, a sub-species of cutting through a rotor blade. Further, reconsideration of the restriction requirement imposed is respectfully requested.

The restriction requirement is traversed because the inventions set out by the claims in species A, B, and C are clearly related. It is believed that a thorough search and examination of any claim group would be relevant to the examination of any other claim group. Indeed, the claims of species A, B, and C encompass a single subject matter, namely, a method for replacing a portion of a gas turbine engine rotor blade, and it is not evident how the searching of a single subject matter could present an unreasonable burden on the Examiner. In addition, requirements for restriction are not mandatory under 35 U.S.C.

Specifically, Applicants submit that Claims 1-20 of the present application are directed to substantially similar aspects of the invention. For example, Claim 1 recites "[a] method for replacing a portion of a gas turbine engine rotor blade . . . cutting through the rotor blade . . . removing the portion of the rotor blade that is radially outward of the cut line; and coupling a replacement blade portion to remaining blade portion such that a newly formed rotor blade is formed with a predetermined aerodynamic contour." Similarly, Claim 8 recites "[a] method for replacing a portion of a gas turbine engine rotor blade . . . uncoupling the rotor blade . . . cutting through the rotor blade . . . removing the portion of the rotor blade radially outward of the cut line . . . coupling a replacement blade portion to the remaining blade portion; and contouring the replacement blade portion such that a newly

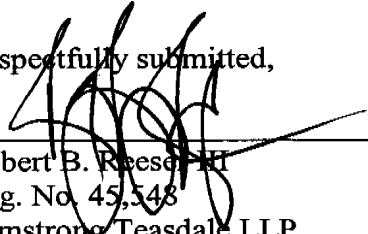
formed rotor blade is formed with a predetermined aerodynamic contour.” As such, independent Claim 1 and independent Claim 8 each include many of the same limitations. Similarly, Claim 15 recites “[a] method for replacing a damaged portion of a gas turbine engine rotor blade . . . uncoupling a compressor rotor blade . . . cutting through a portion of the damaged rotor blade . . . removing a portion of the damaged rotor blade . . . welding a replacement blade portion to the remaining blade portion; and contouring the replacement blade portion such that the newly formed compressor rotor blade has a contour that substantially mirrors that of the original compressor rotor blade contour.” Thus, independent Claim 15 likewise includes many of the same limitations as Claims 1 and 8. Accordingly, Applicants respectfully submit that searching Claims 1-20 together seems logical and would not present an undue burden to the Examiner. Moreover, for at least the reasons set forth above, Applicants respectfully request that the restriction requirement be withdrawn.

With regard to the election of a single sub-species, Applicants submit that requirements for election are not mandatory, and, therefore, Applicants believe the election is improper. Notwithstanding the above, and for the sake of expediency in examination, Applicants elect, with traverse, a single sub-species of cutting through a rotor blade. Accordingly, it is respectfully submitted that the election requirement is improper and should be withdrawn.

Applicants submit that the Examiner has shown no undue burden in searching all Claims, 1-20. Rather to the Applicants, it would appear that searching of all related Claims 1-20 in the invention would be a more practical, useful, and efficient use of patent office resources. Should the restriction be applied here, it would appear that any burden in the U.S. Patent Office has been placed on the Applicants by way of increased filing fees, prosecution costs, prosecution complexity, etc. Notably, Applicants have already significantly amended Claims 1-20 and expended considerable efforts and costs in prior prosecution of unelected claims and prosecution of this application. None of the previous two Office Actions and Advisory Action issued during prosecution of this application suggested that the pending application includes more than one invention. However, after adding the same limitation to each of the unelected claims, a restriction requirement was imposed. Accordingly, reconsideration and withdrawal of the election of species requirement is requested.

In view of the foregoing remarks, all claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



Robert B. Reese
Reg. No. 45,548
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63012
(314) 621-5070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary Edward Trewiler et al. :
Serial No.: 10/713,493 : Art Unit: 3663
Filed: November 14, 2003 : Examiner: Le, Hung Charlie
For: METHOD FOR REPAIRING GAS :
TURBINE ROTOR BLADES :

TRANSMITTAL

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. Transmitted herewith is:
- Amendment Transmittal (3 pages)
 - Response to Restriction Requirement (4 pages)

STATUS

2. Applicant
- | | |
|-------------------------------------|-------------------------------|
| <input type="checkbox"/> | claims small entity status. |
| <input checked="" type="checkbox"/> | is other than a small entity. |

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ first month	\$ 120.00	\$ 60.00
_____ second month	\$ 450.00	\$ 225.00

third month	\$ 1,020.00	\$ 510.00
fourth month	\$1,590.00	\$ 795.00
fifth month	\$2,160.00	\$1,080.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid therefor \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

		(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDITIONAL RATE FEE		ADDITIONAL RATE FEE
TOTAL INDEP.		MINUS		=	x \$25.00 = \$		x \$50.00 = \$
		MINUS		=	x \$100.00 = \$		x \$200.00 = \$
_____ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180.00 = \$		+ \$360.00 = \$
					TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☐ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

5. Attached is a check in the sum of \$ _____

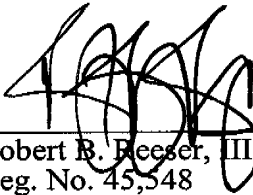
☐ Charge Deposit Account No. 01-2384 the sum of \$_____.

FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:



Robert B. Reeser, III
Reg. No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102
314-621-5070